

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

NICHIA CORPORATION,

No. C-06-00162 MMC (JCS)

Plaintiff(s),

**ORDER RE MOTION TO COMPEL**

v.

SEOUL SEMICONDUCTOR, LTD.,  
ET AL.,

(E-FILING CASES)

Defendant(s).  
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On November 13, 2006, Plaintiff, Nichia Corporation (“Nichia”) and Defendants, Seoul Semiconductor, Ltd. and Seoul Semiconductor, Inc. (“Seoul”), filed a joint letter brief regarding four discovery disputes. The Court treated the letter as a motion to compel (the “Motion”). On December 11, 2006, the Motion was GRANTED in part and DENIED in part. The Court ordered lead trial counsel for Plaintiff and for Defendants to confer in an effort to agree upon the categories of documents within the foreign sales and marketing materials that would be produced. The parties were also directed to meet and confer regarding any proposed dates for the completion of all production of documents in this case. The parties provided a Joint Letter to the Court on December 21, 2006, indicating that they could agree on none of these matters.

The position taken by Plaintiff in the December 21, 2006 Joint Letter is directly contrary to the instructions of this Court at the hearing on the Motion. Plaintiff was directed to narrow its request to documents that it needed for summary judgment or trial. It did not. Rather, it requested all communications with any manufacturer relating to the 902 series LED, and all sales and marketing documents relating to that product. It is obvious that “all” such documents are not

1 needed for the motions and trial of this action. The requests needed to be tailored to seek documents  
2 regarding the damages and proof of inducement. They were not. At this point in discovery, such  
3 broad requests are unwarranted, and the burden of production outweighs the need for all such  
4 documents. Accordingly, Defendants are ordered to produce the following documents by

5 **January 15, 2007:**

- 6 1. Monthly sales reports showing the sales of the 902 series LED for each customer, by  
7 customer, since June, 2004.
- 8 2. All sales and marketing documents relating to the 902 series LED in the custody, files  
9 or computers of the witnesses identified in the initial disclosures in this matter, and of  
10 the defendants' sales representatives in the United States.
- 11 3. All other sales and marketing documents relating to the 902 series LED that contain  
12 the word "United States", "US", or reference any location or company in the United  
13 States.
- 14 4. All other sales and marketing documents relating to the 902 series LED that refer to  
15 any end product of a type that is reasonably known by defendants or their attorneys to  
16 be sold in the United States.

17 IT IS SO ORDERED.

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19 Dated: December 22, 2006

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21 JOSEPH C. SPERO  
22 United States Magistrate Judge  
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